



11-13-06

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ATTORNEY DOCKET: BAI525-520/01786

Customer No. 24,811

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/966,303)
)
Filing Date: 09/28/2001)
)
Applicant: WHITEHEAD, Matthew)
)
For: IMPROVEMENTS TO ELECTRONIC)
PROGRAM GUIDE)
)
GROUP ART UNIT: 2617)
)
EXAMINER: SHEPARD, JUSTIN E)

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Attention: Office of Petitions
Mail Stop: Petition
P. O. Box 1450
Alexandria, VA 22313-1450
FAX (703) 872-9306

Dear Sir:

Applicant herein failed to file an application for Request for Continued Examination under 37 CFR 1.114 of the above-identified application along with the Amendment mailed on 13 September 2006.

Applicant hereby petitions for revival of the above-identified application. In support of this Petition are the following:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Director of Patents, PO Box 1450, Alexandria, VA 22313-1450, on

9 Nov 2006
[Handwritten signature]

11/14/2006 SLUANG1 00000032 09966303
03 FC:1453 1500.00 OP

1. **PETITION FEE**

Applicant encloses herewith a check in the amount \$1500 (large entity) to cover the Petition Fee and authorizes the Commissioner to charge Deposit Account No. 08-1500 for any additional fees which may be associated with this Petition;

2. **REPLY**

A Request for Continued Examination is attached herewith in response to the Office Action dated April 21, 2006 and the Advisory Action dated July 26, 2006. Also attached is an Amendment and a Petition for Three-Month Extension of Time.

3. **TERMINAL DISCLAIMER**

No terminal disclaimer is required since this utility patent application was filed after June 8, 1995.

4. **STATEMENT**

An Amendment to the Office Action dated April 21, 2006 was timely filed on July 13, 2006 by Applicant. In response thereto, Examiner Shepard issued an Advisory Action dated July 26, 2006. In the Advisory Action, Examiner Shepard stated:

"... The examiner agrees that the cited passage does support the limitation as claimed. The examiner suggests that the applicant modify the claim to say 'each program in the following time period,' as is disclosed in the specification. Without this modification it is difficult to determine what portion of programs contained in the programming guide will have previews stored on the set top box."

Based upon these comments and believing that Examiner Shepard intended to issue a Notice of Allowance if the suggested changes were made, Applicant filed an Amendment on 13

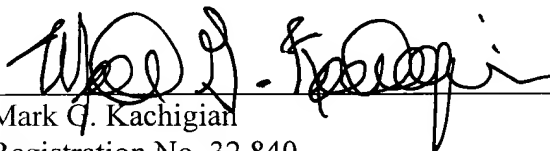
September 2006 amending the claim as suggested. Applicant sincerely believed that the application as amended would be found allowable by Examiner Shepard.

It can be seen that Applicant fully intended to continue prosecution of the application as is evidenced by the Amendments filed on 13 July 2006 and on 13 September 2006. Applicant sincerely believed that it had fully satisfied all of Examiner Shepard's rejections and that a Notice of Allowance was forthcoming. As soon as Applicant discovered that Examiner Shepard was not issuing a Notice of Allowance prior to the end of the six month period, Applicant submitted this Petition To Revive.

Accordingly, any abandonment of the present application is unintentional.

If any additional information is required or any further issues remain, please contact the undersigned attorney. Also, if any additional fees are associated with this action, please charge Account No. 08-1500.

HEAD, JOHNSON & KACHIGIAN
Respectfully submitted,


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Date: 9 November 2006